

Service Date: October 31, 1988

DEPARTMENT OF PUBLIC SERVICE REGULATION  
BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MONTANA

IN THE MATTER Of The Application	)	
Of Montana-Dakota Utilities Company	)	
To Revise Gas Transportation Rates	)	UTILITY DIVISION
81 and 82 and tariff a New Firm	)	DOCKET NO. 88.8.23
Transportation Rate 84.	)	INTERIM ORDER NO. 5377
_____	)	

FINDINGS OF FACT

1. On August 8, 1988, Montana - Dakota Utilities Company (MDU) filed for authorization to revise gas transportation Rates 81 and 82, and further to implement a new firm gas transportation tariff, Rate 84. The purpose of this initial filing was to accommodate Williston Basin Interstate Pipeline Company's (WBIP) open access authorization by the Federal Energy Regulatory Commission (FERC Docket No. RP88-197)

2. This filing proposed several changes. First it eliminates the availability provisions of a direct second party arrangement and a qualifying supplier which currently prohibits the implementation of transportation service resulting from WBIP's open access filing. Second, it provides for firm gas transportation to any interruptible customer.

3. On August 25 and again on September 29, 1988, MDU filed amendments to its initial August 8, 1988, filing. Some changes in these two amendments include the following. The first amendment revised certain aspects involving multiple services, overrun penalties and balancing. The second amendment added a provision requiring transportation service customers to provide daily gas delivery nominations to a gas nomination service of MDU. Another change waives the balancing and daily nomination conditions for those transportation customers receiving transportation services which do not require daily meter reads or daily nominations.

4. On October 4, 1988, MDU filed for interim approval of this amended gas transportation

rate filing. MDU notes the Montana Consumer Counsel (MCC) authorized the Company to represent to the Commission that the MCC has no objection to interim approval of the Company's amended filing.

5. The Commission finds that interim approval of MDU's filing is warranted.

#### CONCLUSIONS OF LAW

1. Applicant, Montana-Dakota Utilities Company, is a corporation providing natural gas service within the State of Montana and, as such, is a "public utility" within the meaning of Section 69-3-101, MCA.
2. The Montana Public Service Commission properly exercises jurisdiction over the Applicant's Montana operations pursuant to Title 69, Chapter 3, MCA.
3. The Montana Public Service Commission has power to supervise, regulate, and control public utilities under its jurisdiction. See 69-3-102, MCA.
4. The Montana Public Service Commission has the power pursuant to Title 69, MCA, to grant interim relief as requested by MDU.

#### ORDER

NOW THEREFORE, IT IS ORDERED that Rates 81, 82, and 84, as proposed by MDU in its August 8, August 25, and September 29, 1988 filings in this Docket, are authorized on an interim basis, effective immediately.

Interim approval of these Rates as filed should not be viewed as a final endorsement by the Commission of any issues raised in this Docket.

DONE IN OPEN SESSION at Helena, Montana this 28th day of October, 1988 by a 5 - 0 vote.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

CLYDE JARVIS, Chairman

HOWARD L. ELLIS, Commissioner

TOM MONAHAN, Commissioner

DANNY OBERG, Commissioner

JOHN B. DRISCOLL, Commissioner

ATTEST:

Carol A. Frasier  
Commission Secretary

(SEAL)

NOTE: Any interested party may request that the Commission reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.